

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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JANE DOE on behalf of herself and her minor child; JANE BOE, Sr. on behalf of herself and her minor child; JOHN COE, Sr. and JANE COE, SR. on behalf of themselves and their minor children; JOHN FROE, Sr. on behalf of himself and his minor child; JANE GOE, Sr. on behalf of herself and her minor child; JANE LOE on behalf of herself and her medically fragile child; JANE JOE on behalf of herself and her medically fragile child; CHILDRENS HEALTH DEFENSE, and all others similarly situated,

Plaintiffs,

Case No.

1:20-cv-00840-BKS-CFH

-against-

HOWARD ZUCKER, in his official capacity
As Commissioner of Health for the State of New York; ELIZABETH RAUSCH-PHUNG, M.D., in her official capacity as Director of the Bureau of Immunizations at the New York State Department of Health; the NEW YORK STATE DEPARTMENT OF HEALTH; THREE VILLAGE CENTRAL SCHOOL DISTRICT; CHERYL PEDISCH, acting in Official capacity as Superintendent, Three Village Central School District; CORINNE KEANE, acting in her official capacity as Principal, Paul J. Gelinis Jr. High School, Three Village Central School District; LANSING CENTRAL SCHOOL DISTRICT; CHRIS PETTOGRASSO, acting in her capacity as Superintendent, Lansing Central School District; CHRISTINE REBERA, acting in her official capacity as Principal, Lansing Middle School, Lansing Central School District; LORRI WHITEMAN, acting in her official capacity as Principal, Lansing Elementary School, Lansing Central School District; PENFIELD CENTRAL SCHOOL DISTRICT; DR. THOMAS PUTNAM, acting in his official capacity as Superintendent, Penfield Central School District; SOUTH HUNTINGTON SCHOOL DISTRICT; DR.

DAVID P. BENNARDO, acting in his official Capacity as Superintendent, South Huntington School District; BR. DAVID MIGLIORINO, acting in his official capacity as Principal, St. Anthony's High School, South Huntington School District; ITHACA CITY SCHOOL DISTRICT; DR. LUVELLE BROWN, acting in his official capacity as Superintendent, Ithaca City School District; SUSAN ESCHBACH, acting in her official capacity as Principal, Beverly J. Martin Elementary School, Ithaca City School District; SHENENDEHOWA CENTRAL SCHOOL DISTRICT; DR. L. OLIVER ROBINSON, acting in his official capacity as Superintendent, Shenendehowa Central School District; SEAN GNAT, acting in his official capacity as Principal, Koda Middle School, Shenendehowa Central School District; ANDREW HILLS, acting in his official capacity as Principal, Arongen Elementary School, Shenendehowa Central School District; COXSACKIE-ATHENS SCHOOL DISTRICT; RANDALL SQUIER, Superintendent, acting in his official capacity as Superintendent, Coxsackie-Athens School District, Coxsackie-Athens School District; FREYA MERCER, acting in her official capacity as Principal, Coxsackie-Athens High School, Coxsackie-Athens School District; ALBANY CITY SCHOOL DISTRICT; KAWEEEDA G. ADAMS, acting in her official capacity as Superintendent, Albany City School District; MICHAEL PAOLINO, acting in his official capacity as Principal, William S Hackett Middle School, Albany City School District; and all others similarly situated

Defendants.

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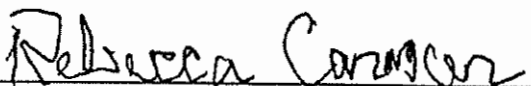
**AFFIDAVIT OF REBECCA CARMAN
IN OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION
ON BEHALF OF DEFENDANTS
SHENENDEHOWA CENTRAL SCHOOL DISTRICT, DR. L. OLIVER ROBINSON,
SEAN GNAT and ANDREW HILLS**

STATE OF NEW YORK)
)
COUNTY OF SARATOGA) ss.:

Rebecca Carman, being duly sworn, deposes and says:

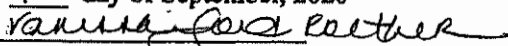
- 1 • I am currently employed by defendant SHENENDEHOWA CENTRAL SCHOOL DISTRICT ("District") as the Director of Policy & Community Development and Records Officer. I submit this affidavit in opposition to plaintiffs JANE KOE, JOHN KOE, and JANIE KOE's motion for a preliminary injunction on behalf of defendants the District, DR. L. OLIVER ROBINSON, SEAN GNAT and ANDREW HILLS.
- 2 • I have been employed by the District since 2002.
- 3 • In my capacity as Director of Policy & Community Development and Records Officer, I maintain records for all students within the district in the regular course of business. I make this affidavit based upon my review of student records maintained in the ordinary course of business.
- 4 • A review of the District's student records confirms that no medical exemption applications were submitted on behalf of plaintiffs JANE KOE, JOHN KOE, or JANIE KOE.
- 5 • I personally communicated with the mother of plaintiffs JANE KOE, JOHN KOE, and JANIE KOE regarding her failure to submit medical exemptions sign by a physician(s) for her children, plaintiffs JANE KOE, JOHN KOE, and JANIE KOE, as required by the New York Public Health Law and New York Education Law.
- 6 • On September 26, 2019, the mother of plaintiffs JANE KOE, JOHN KOE, and JANIE KOE advised the District that her children would not be returning to the District.
- 7 • The District never received medical exemption applications signed by a physician(s) for plaintiffs JANE KOE, JOHN KOE, and JANIE KOE.
- 8 • Plaintiffs JANE KOE, JOHN KOE, and JANIE KOE stopped attending school on or about October 3, 2019.

Dated: September 4, 2020


REBECCA CARMAN

Sworn to before me this

4th day of September, 2020


Notary Public

VANESSA FORD ROETHER
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01FO6158875
QUALIFIED IN ALBANY COUNTY
COMMISSION EXPIRES JAN. 08, 2023